

POLICY FOR THE PROTECTION OF CHILDREN AND ADULTS AT RISK

1. Principles

Newham Community Law Project (NCLP) makes a positive contribution to a strong and safe community and recognises the right of every individual to stay safe.

NCLP comes into contact with children and adults at risk through our advice and casework services.

This policy seeks to ensure that NCLP undertakes its responsibilities with regard to protection of children and/or adults at risk and will respond to concerns appropriately. The policy establishes a framework to support paid and unpaid staff in their practices and Clarifies the organisation's expectations.

This policy does not seek to deal with the protection of staff or volunteers within that role, as this is included separately within the Health and Safety Policy (Personal Safety)

This policy applies to all staff, volunteers and trustees of NCLP

We recognise that some people have additional needs because of their protected characteristics, and will aim to help them overcome the barriers that they might face especially around communication.

In general our safeguarding includes:

- the safeguarding of clients from NCLP members of staff, volunteers and trustees
- the safeguarding of clients from third parties
- the safeguarding of clients from self-harm and suicide.

1.1 Definition of Adult at risk

For the purposes of this policy, NCLP adopts a wide understanding of who is an adult at risk, as follows:

“Adult at risk” for the purposes of this policy refers to a person who is aged over 18 years who is “vulnerable” to (i.e. unable or less able to protect themselves against) bullying, harassment, neglect, significant harm or exploitation. A person may be vulnerable in one situation and not another. The emphasis is on identifying the vulnerability in the individual. Factors which may make a person vulnerable include:

- *mental ill health or other emotional vulnerability such as feelings of shame or isolation*
- *immigration status or problems within their immigration case (such as refusal of asylum claim)*
- *learning disability*
- *other disability*
- *illness*

- *age*
- *homelessness or other destitution*
- *lack of formal education*
- *held under immigration powers in detention or prison*
- *physically isolated and conversely dominated by a crowd.*
- *Victims of domestic abuse*
- *Victims of modern slavery*
- *Mental ill health or other factors leading to self neglect*

The Safeguarding Vulnerable Groups Act 2006 (“SGVA”) (as amended 2012) defines certain statutory duties that arise concerning duties to children and to defined “adults at risk”.

The Care Act (2014) and associated statutory guidance has further strengthened the requirements for safeguarding adults.

1.2 Definition of abuse

- *Physical abuse, including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions*
- *Sexual abuse, including rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressured into consenting*
- *Psychological abuse, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks*
- *Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits*
- *Neglect and acts of omission, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating*
- *Discriminatory abuse, including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment.*

2. Providing a safe environment for clients

All equipment used for contacting clients belongs to the Law Centre (phones and laptops). Staff should not use personal phones, email addresses or social media accounts to contact clients.

Judgments about the best method of delivery need to include:

- Do people have access to the right equipment and broadband capacity/data to be able to access the information
- Do they have a quiet and safe space at home to engage- think about confidentiality

- Ensure that there is appropriate access to interpreters

If a home visit is needed, in line with reasonable adjustments, the caseworker should discuss the arrangements with their supervisor before booking the visit. If appropriate a volunteer may accompany the caseworker.

3. Responsibilities

Trustees of charities have the ultimate responsibility for the actions of their charity.

The Charity Commission consider that charities must have in place measures to protect people in a charity and those it comes into contact with, from abuse or maltreatment of any kind. This responsibility therefore includes but extends beyond children and those thought of as adults at risk. Charities, trustees and the individuals working within them must always act in the best interests of those it is involved with and ensure they take all reasonable steps to prevent any harm to them.

Trustees also have duties to manage risk and to protect the reputation and assets of the charity. Trustees will undertake on-going monitoring to ensure that these safeguards are being effectively implemented in practice.

A member of the Trustee Board is appointed as the NCLP Officer for Children and Adults at risk, known as the Safeguarding Trustee.

The appointed Trustee will undertake appropriate training such as the NSPCC Child Protection Course. They will take appropriate steps to renew training and awareness of relevant developments in the law and policy in this area.

The Trustee currently appointed to this role is:

NCLP allocates overall day-to-day responsibility for ensuring the safeguarding policies are observed to the Senior Solicitor.

Any potential safeguarding concern must be reported to the Senior Solicitor immediately.

Unless there is an emergency situation (see section 4) any breach of client's confidentiality will be agreed collectively between the Senior Solicitor Safeguarding Trustee.

The Senior Solicitor will be responsible for ensuring that records are kept of any complaints, concerns or incidents including any decision made.

The Safeguarding Trustee is responsible for instigating any disciplinary action against paid staff, or action against volunteers including Trustees.

All potential General Data Protection Regulation breaches arising from safeguarding actions must be reported immediately to the Senior Solicitor and the Safeguarding Trustee. Please see Data Protection policies.

Each member of staff takes responsibility for the welfare of our service users, and safeguarding training will be provided on an annual basis.

NCLP expects employed solicitors to protect the professional integrity of themselves and the organisation and to ensure they adhere to the requirements of the Solicitors Regulation Authority.

As there are no specific regulatory obligations or rules for solicitors regarding safeguarding concerns about children or adults at risk per se, decisions on disclosure and confidentiality issues will be made by the Supervising Solicitor in discussion with the caseworker involved within the context of the rules of the Solicitors Regulation Authority (“SRA”); in particular the duty of confidentiality, in particular see below at 4.5 & 4.6.

4. Selection of Staff, Volunteers and Trustee Board members

Applicants selected for appointment as a member of staff or volunteer will be asked to provide references and these will be taken up prior to confirmation of the appointment.

Referees will be asked to address the Applicant’s suitability to work with young people aged 11-25.

3.1 Screening

NCLP maintains and follows a policy for screening caseworkers, including volunteers which is set out in the DBS policy and a policy on the Recruitment of Offenders.

These policies require:-

- (i) Disclosure of criminal convictions by caseworker staff, and Trustee Board members.
- (ii) Fair consideration of applicants who disclose a conviction
- (iii) Consideration of conduct, which may affect the Applicant’s suitability to work with children under 18 or adults at risk. This could result in a decision not to appoint an Applicant.

3.2 Induction and Training

All staff, volunteers, and Trustee Board members will be inducted and trained in relation to this policy and provided with ongoing updates in minimum standards for child protection and adult safeguarding, local protocols and systems for information sharing and referral.

3.3 Supervision

NCLP has a comprehensive supervision system for staff and volunteers, as documented in the staff handbook. for all;

Consideration should be given to issues around accessibility, safety, confidentiality and risk when exploring the potential for digital or telephone delivery with individual service users;

4 Health and Safety Procedures

We ensure that the organisation has in place Health and Safety policies and undertakes assessments of the Health and Safety risks appropriate to babies, children of diverse ages, young people and vulnerable users of the centre as well as non-adult at risk users.

We act on the results of Health and Safety assessments and the requirements of the law and good practice to minimise risks in the centre.

5. Procedures following allegation or suspicion of abuse

The welfare of a client, adult at risk or member of staff (including volunteer or trustee) who is or may have been subject to abuse must be paramount.

Where the disclosure is made to them in the context of their role at NCLP, staff must report the concerns in line with the following advice. Our duties of confidentiality limit or restrict the disclosure of information outside NCLP or within it to anyone who does not need to know it. Confidentiality concerns for reporting beyond that are dealt with below.

Members of staff including volunteers have a duty to report suspicions, allegations or actual incidents. Members of staff who fail to discharge this responsibility may be liable to disciplinary action.

Staff must not attempt to deal with a suspicion, allegation, or actual incident themselves other than through the channels outlined below. All suspicions and allegations will be taken seriously and will be responded to swiftly and appropriately.

If a member of staff discovers an act of abuse whilst it is happening, their first duty is to do their best appropriately to stop the act. The Senior Solicitors, (and in their absence the Safeguarding Trustee) should be informed as soon as practicable but, in certain situations, the police, social services, or medical services (e.g. ambulance) also must be contacted immediately for the protection of the victim.

If abuse which constitutes a criminal offence is alleged, consideration should be given to whether the first report should be to the police before reporting the matter internally within NCLP. If the victim wants to call the police, staff should not prevent them and should offer assistance where possible and appropriate. Support for the victim may

be easier to provide if an internal report allows the Senior Solicitor with other staff to begin to make arrangements for it, especially if the report to the police is not urgent.

If making a report to the police is not urgent, priority should be given to supporting the victim.

As far as possible, the confidentiality of all individuals involved in any allegation, investigation or resulting disciplinary proceedings will be respected by NCLP.

However, there may be circumstances in which it is necessary for NCLP to share information on alleged perpetrators with parties such as social services, the police, and the guardians or carers of the client or adult at risk concerned. Information may also need to be disclosed if there is a public interest imperative. NCLP cannot therefore guarantee that the confidentiality of disclosures can be maintained in all circumstances.

In all investigations careful consideration must be given to whether it is in the interests of the welfare of the victim for them to be interviewed especially if they have been interviewed by another agency. This decision must be taken in the individual circumstances. Sometimes giving the victim the opportunity to speak is best, whilst in other cases it may be re-traumatising or distressing.

4.1 Cases where allegations of abuse are made against a staff member or volunteer of NCLP

If there is a report of or suspicion of any incident in respect of abuse or exploitation by a member of NCLP, the matter must be reported to the Senior Solicitor (or in their absence the Safeguarding Trustee) as soon as possible (usually immediately, i.e. within one day). A member of NCLP includes those employed, volunteering, or engaged by NCLP (this includes agency staff, self-employed people, trustees and volunteers).

On being notified of any suspicion, allegation or apparent abuse involving a member of staff, the Senior Solicitor (or their alternate) shall:

- Take such steps as they consider necessary to ensure the safety of the adult in question and any child or other adult at risk who might be at risk.
- Consider whether there is a need to arrange medical treatment especially if needed urgently.
- Liaise with the person who reported the original concern and ensure that a report of the incident(s) is completed. If the informant is the alleged victim, consider having a witness present for the meeting or discussions.
- Carry out an investigation together with the Safeguarding Trustee
- If the victim is an adult at risk within the legal definition or is a child, report the matter to the appropriate Social Services department

- If the matter alleged appears to be a criminal offence, and the matter has not been referred to the police, the Senior Solicitor should give consideration with the victim to notifying the police, see below at 4.9.

Any notification of suspicion, allegation or evidence of abuse or harm may result in the Director or their nominee taking the decision to suspend the member of staff concerned whilst investigations proceed. Suspension in this context is not a disciplinary measure and implies no assumption of guilt.

Investigation of employees should be conducted in line with the Disciplinary Policy as far as that is consistent with the welfare and safety of the client. If an external agency (such as the police) is investigating, their agreement to the proposed internal investigation should be sought. Careful consideration must be given to whether it is in the interests of the welfare of the victim for them to be interviewed especially if they have been interviewed by another agency. This decision must be taken in the individual circumstances. Sometimes giving the victim the opportunity to speak is best, whilst in other cases it may be re-traumatising or distressing.

NCLP may report a member of staff to a relevant professional body, if there are concerns over their suitability to practise and/or remain on a professional register or equivalent. If applicable, NCLP **must** promptly report any incident as described above to the Solicitors Regulation Authority.

If there are other regulatory bodies relevant to the individual accused, they must also be notified in a prompt and timely manner according to the requirements of that body. Other relevant bodies include IAA (potentially for any immigration advisor or manager/trustee) and the Bar Council (for any barrister).

4.2 Cases where allegations are made against a client

In the event of any suspicion, allegation or apparent abuse committed by a client, whether against another client or staff/volunteer/trustee or otherwise the matter should be reported to the Senior Solicitor as soon as possible (usually immediately).

The Senior Solicitor or in their absence the Safeguarding Trustee will:

- Take such steps as she or he considers necessary to ensure the safety of the adult victim in question and any child or other adult at risk who might be at risk.
- Carry out an investigation into the allegation

A client who is an alleged perpetrator may be barred from any NCLP service if the allegations against them are found to be true or if their behaviour otherwise, or the circumstances generally, mean that on a risk assessment, they should no longer be admitted to services in order to safeguard others.

Careful consideration should be given as relevant to notifying other partner services that the person has been barred by, the Safeguarding Trustee and the Senior solicitor.

4.3 Cases where the allegations are against a third party

If an NCLPworker has reason to believe that a client is subject to abuse or if an allegation of abuse is made

In the event of any suspicion, allegation or apparent abuse of a client, either reported by the client or otherwise, the matter should be reported to the Senior Solicitor as soon as possible (usually immediately).

On being notified of any suspicion, allegation or apparent abuse of a client, the Senior Solicitor should:

- Take such steps as they consider necessary to ensure the safety of the adult victim in question and any child or other adult at risk who might be at risk.
- Liaise with the person who reported the original concern and ensure that a report of the incident(s) is completed (see Annex D). If the informant is the alleged victim consider having a witness present for the meeting or discussions.
- If the victim is a vulnerable person within the legal definition (see Annex E) or is a child, report the matter to the appropriate social services or the social services department for the relevant area if it is more appropriate for example if it relates to an incident at the person's home.
- If the matter alleged appears to be a criminal offence, and the matter has not been referred to the police, the Senior Solicitor should give consideration with the victim to notifying the police. See below at 4.9.
- Notify the Safeguarding Trustee if not already informed.

If an external agency is investigating the matter, their agreement to a proposed internal investigation should be sought. Careful consideration must be given to whether it is in the interests of the welfare of the victim for them to be interviewed especially if they have been interviewed by another agency. This decision must be taken in the individual circumstances. Sometimes giving the victim the opportunity to speak is best, whilst in other cases it may be re-traumatising or distressing.

4.4 Assisting a child or adult at risk who is reluctant to take steps to report or avoid a harmful situation.

All cases in which a child or adult at risk has made a disclosure of significant harm or risk of significant harm but is reluctant to take action to escape, reduce or report the risk should be reviewed by the Senior Solicitor.

The Senior Solicitor will review the case having regard to:-

- The age and understanding of the client.
- The nature and seriousness of the harm disclosed

- The likelihood that the client will suffer a criminal act causing serious bodily harm if information is not revealed
- The threat to the child's or adult at risk's life or health, both mental and physical of not revealing the information
- The adequacy and timetable of the steps, which the client is taking or has instructed the law centre to take to reduce or remove the risk to them.
- The likely benefit and risk to the child or young person of revealing information to the Police or Social Services Authority, including any risk that the young person will not receive a response adequate to meet their needs for care, support or protection:.
- The implications for the client's welfare or safety in a situation where there are few other alternative sources of independent advice, and the client's experience of your advice was that you did not act in accordance with his/her wishes.

The Senior Solicitor will assess the competence of a child or young person to make a decision and carefully discuss the implications with the Safeguarding Solicitor. A child of 15 or older will usually be competent to make decisions, but it is relatively rare that a child under 13 would be considered so. An individual assessment will be made in each case.

Careful notes should be maintained of the reasons for any decision that the circumstances are exceptional and sufficiently serious to justify a breach of the duty of confidentiality. The decision is taken by the Senior Solicitor.

Disclosure will be limited to the essential matters which the Social Services Authority or Police are required to know in order to deal with the matter. NCLP will communicate clearly to Social Services whether we are acting on instructions as the client's solicitor in referring a matter to them, or referring a young person who has not consented to that disclosure.

The client will be informed of a decision to disclose information to the police or Social Services Authority providing that this will not defeat the protective purpose of making the disclosure.

Consideration will be given to whether this should be before or after the disclosure is made. An explanation will be offered to the client for such a decision, and it will be confirmed in writing *providing that the letter will be received by the client and that it is not likely to be intercepted by a person who perpetrated harm.*

Breach of a client's right of confidentiality in these circumstances is likely to undermine the client's trust and confidence in the organisation and you will need to establish whether the client still wishes you to act for them. However, if the client continues to trust the law centre to act on their behalf there is no bar to continuing to act for the client or for acting in a new matter.

NCLP will ensure that the client knows where they can find an alternative source of independent advice and of NCLP's complaints procedure.

4.5 Disclosure against the client's interests when you are acting for a person who may be causing significant harm to a child young person or adult at risk

In cases where there is a suspicion by the caseworker that a client is a perpetrator of abuse they will attempt to influence them to voluntarily seek assistance from social services.

All cases in which a client has made a disclosure of causing significant harm to a child, young person or a adult at risk, any instance witnessed by a member of NCLP any signs of injury to a child or any claim from the client's child that they have been hurt will be reported to the Senior Solicitor

The Senior Solicitor will review the case having regard to:-

- i) The nature and seriousness of the harm disclosed
- ii) The threat to the person's life or health, both mental and physical of not revealing the information
- iii) The likelihood that the information is already known to or likely to be soon discovered by social services, the police, a health authority or Trust, education authority or other service which is under a duty to make a report.

After consideration of these issues and discussion with the caseworker the Senior Solicitor will decide whether there is exceptional cause to breach confidentiality.

Careful notes will be maintained of the reasons for any decision that the circumstances are sufficiently serious to justify a breach.

Disclosure will be limited to the essential matters which the authorities need to know in order to deal with the matter.

If the matter is reported to another agency such as the police or social services (whether by NCLP or others) the Senior Solicitor will obtain any necessary advice or guidance as to whether the victim and/or the accused can be informed of the allegation (if they have not been told already) or of the fact that a report or notification has been made to that agency. NCLP believes that the client should be informed of a decision to disclose information to the police or Social Services authority, provided that this will not defeat the protective purpose of making the disclosure.

Such disclosure whether the victim and/or accused can or cannot be informed that data about them is being "processed" (e.g. stored or transferred) by NCLP and of their data protection rights. Informing the victim and/or accused may for example hamper a criminal or other investigation, which may supersede the person's right to be informed that data has been received about them.

Consideration should be given to whether this should be before or after the disclosure is made. An explanation should always be offered to the client for such a decision, and it should be confirmed in writing.

Breach of a client's right of confidentiality in these circumstances is likely to undermine the client's trust and confidence in the organisation and you will need to establish whether the client still wishes you to act for them. However, if the client continues to trust the law centre to act on their behalf there is no bar to continuing to act for the client or acting for them in relation to a new matter.

You should endeavour to ensure that the client knows where they can find an alternative source of independent advice and of the law centre's complaints procedure.

4.6 A client makes a clear statement of his/her intent to undertake a criminal act likely to cause serious bodily harm to another person

NCLP will

- Aim to calm the client down and help them to deal more rationally with the situation
- Make the client aware of lawful forms of redress
- Ensure the client is aware of the consequences of their actions, and the likelihood of prosecution.

If the client continues to maintain the threat of undertaking a criminal act, which is likely to cause serious bodily harm or you judge that s/he is likely to carry out the threat the issue should be reported to the Senior Solicitor.

The Senior Solicitor will review the case having regard to:-

- The client's intention. Is this boastful talk or an expression of frustration and anger
- Whether what the client is proposing to do is likely to result in serious bodily harm. An indication that a client proposes to use a weapon or participate in a gang attack on an individual would tend to indicate a higher risk of serious bodily harm than that s/he intends to pick a fight with another person.
- What should be disclosed and to whom in order to prevent a criminal act
- Whether there is sufficient information to make a disclosure which can prevent a crime. It may be more appropriate to deal with the matter by reference to the NCLP policy for dealing with Abusive Clients; this is likely to result in a warning of or actual discontinuation of service provision by NCLP.

Careful notes should be maintained of the reasons for any decision that the circumstances are sufficiently exceptional to justify a breach of the duty of confidentiality.

Any disclosure to the police will be limited to the extent that NCLP believes necessary to prevent the client committing a criminal act that is likely to cause serious bodily harm.

Discretion will be exercised about whether to inform the client that a disclosure has been made having regard to the risk.

If a client is arrested and charged as a result of information NCLP provided it would be proper to regard NCLP as precluded by a conflict of interests from further advising the client.

If nothing comes of the disclosure (e.g. because the client does not in fact attempt to perpetrate the crime they threatened to carry out) consideration will be given to NCLP's ability to continue to act for the client and any requirement of disclosure of the prior breach of confidence to the client.

4.7 Procedure for responding to a client threatening suicide or self-harm

How to deal with this situation:

- Encourage the client to seek immediate support from a friend, partner, their GP or mental health worker and supply them with crisis telephone numbers.
- If the person refuses to seek such support, wherever possible seek their agreement to contact a support person or service on their behalf.
- Check whether authority has been obtained to speak to a 3rd party about the client's mental condition- e.g. a family member, GP, or support worker. This should be noted on the case management system. If authority is obtained and the client refuses to seek this support, such party as the client has previously provided authority for may be contacted.
- Notify the Senior Solicitor immediately to discuss the level of risk and the possibility of breaching confidentiality if it seems that the client is at risk of serious self- harm.
- Disclosure will be limited to the essential matters which the Social Services Authority or Police are required to know in order to deal with the matter. SLC will communicate clearly to Social Services whether we are acting on instructions as the client's solicitor in referring a matter to them, or referring a young person who has not consented to that disclosure.

The client will be informed of a decision to disclose information to the police or Social Services Authority.

Consideration will be given to whether this should be before or after the disclosure is made. An explanation will be offered to the client for such a decision, and it will be confirmed in writing.

Breach of a client's right of confidentiality in these circumstances is likely to undermine the client's trust and confidence in the organisation and NCLP will need to establish whether the client still wishes you to act for them. However, if the client continues to trust the law centre to act on their behalf there is no bar to continuing to act for the client or for acting in a new matter.

NCLP will ensure that the client knows where they can find an alternative source of independent advice and of the NCLP's complaints procedure

4.8 Incidents involving non clients

If any member of the NCLP is concerned about any behaviour involving members of the public who may be on our premises but are not clients they should consult the Senior Solicitor.

4.9 Dealing with investigating authorities

Where NCLP makes a report to the Police or Social Services on a client's behalf the caseworker will confirm the report in writing, provide the client's authority and make it clear that NCLP act in relation to assistance sought from Social Services.

NCLP will communicate what action is requested of the investigating authority and (where appropriate) remind them of the timetable for their response, as set out below. NCLP will request a copy of their assessment or written confirmation of their decision. NCLP will pursue the investigating authority through appropriate channels in case of delay or default of response.

These are: that NCLP needs to register a safeguarding concern with the Authority within 1 working day. The Authority then have 5 days in which to initiate formal enquiry (which they will not necessarily lead) and 20 days for enquiry to decide action; with faster referral / initial decisions where it is an emergency.

The Newham Council safeguarding contacts are
24 hour Safeguarding helpline 02033730440
Children mash@newham.gov.uk 0203 373 4600.
Adults ASCsafeguardingconcerns@newham.gov.uk

NCLP's ability to co-operate voluntarily with the investigation of the Police, Social Services Authority or other body which is investigating an allegation of abuse, neglect or harm of a child, young person or adult at risk is limited to the extent of the client's consent to disclosure of information and his/her consent to the extent of the NCLP participation in any case conference or investigation. If NCLP attend a case conference the caseworker is there as the client's solicitor and advocate **not** in the role of participating as a local support agency.

If NCLP is asked to provide disclosure of information which the client instructs their caseworker to withhold from an investigation, SLC will advise the client in relation to resisting that application for disclosure and accept instructions to defend disclosure to the extent to which it is practicable, cost effective or otherwise conducive to their rights to defend that application.

In any case of conflict between the duties of disclosure required by an order or the rules of a court or tribunal and the client's instructions the caseworker is required to seek the advice of the Senior Solicitor (who may seek advice from counsel and the

SRA ethics department in relation to that matter) and act in accordance with such professional advice.

Disclosure of confidential information which is unauthorised by the client or by the law could lead to disciplinary proceedings against a solicitor and could also render a solicitor liable, in certain circumstances, to a civil action by the client arising out of the misuse of confidential information.

5. Review process

The policy will be reviewed on an annual basis by the Trustee Board. The review will include a report on any incidents or concerns.

Date Policy Adopted 13th November 2025